REMARKS

Claims 91-94 remain pending in this application. Claims 91-94 are rejected. Claims 1-90 are previously cancelled. Claims 91-94 are amended herein to clarify the invention.

The applicants and applicants' attorney appreciate the Examiner's granting of the telephone interview conducted on June 23, 2011, and extend their thanks to the Examiner and his Supervisor for their time and consideration.

During the interview, the Examiner indicated that he was interpreting the claimed term "twisting" to broadly include any bending action, including that as alleged to be shown in the figures of Nakamura. While formal agreement was not reached, the Examiner and his Supervisor both agreed in principle that torsional twisting was not taught or suggested by the combination of Nakamura, Ozawa and Rosales et al..

The claims are herein amended to reflect this understanding, are submitted as overcoming these art rejections.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 91-94 are rejected as obvious over Nakamura (JP 2001-321825) in view of Ozawa (US 6,742,374) and Rosales et al. (US 3,794,528) under 35 U.S.C. §103(a). The applicants herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of

the combined references and the present invention must be obvious to one skilled in the art.

Claims 91 and 92 are both amended to recite that an elongated metal body is deformed at a low deformation resistance region by twisting the elongated metal body about a rotational axis of the elongated metal body arranged substantially parallel to an extending direction of the metal body, along which the metal body is advanced, by application of torsional force. Applicants submit that no such methodology is taught or suggested by the combination of Nakamura, Ozawa and Rosales et al..

In the paragraph [0028] of Nakamura, there is the description that "to facilitate the introduction of the rod-like material 2 into the inside of the mold 2, a distal end of the material is tapered by rotary swaging (rotary famine), ... the tapered rod-like material is inserted into the mold 1 as shown in Fig. 2,... and the rod-like material 2 which is fed to the mold 1 by the roller clamp press 5 and passes through the mold 1 is clamped by the tension rollers 6 arranged on an exit side so that a drawing force is generated in the rod-like material 2." As can be understood from the above description, in Nakamura, rotary swaging is performed for narrowing the diameter of the rod-like material 2 before feeding the rod-like material 2 into the mold 1. This rotary forging is, in general, understood as one type of forging where a plurality of hammers which are arranged circumferentially around the rod-like material 2 radially hit a surface of the rod-like material 2

which is also rotated in the same direction as the hammers. Accordingly, although hammering is applied to the rod-like material 2, no torsional twisting is applied to the rod-like material 2 in Nakamura. The roller clamp press 5 which is provided upstream of the mold 1 has rotary rollers. However, these rotary rollers are provided for feeding the rod-like material 2 to the mold 1 and hence, these rotary rollers also have no function of applying torsional twisting to the rod-like material 2. In the same manner, although the rotary tension rollers 6 are provided downstream of the mold 1, these rotary rollers 6 are provided for applying a drawing force to the rod-like material 2 and hence, these rotary rollers 6 also have no function of applying torsional twisting.

Applicants further submit that both Ozawa and Rosales et al. are similarly devoid of teaching or suggestion directed to torsional twisting about a rotational axis.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 91-94 and their allowance are respectfully requested.

Claims 91-94 are rejected under the judicially created doctrine of the "obviousness" type double patenting rejection as unpatentable over claims 1-20 of U.S. Patent No. 7,559,221 and evidenced by Rosales et al.. Claims 91-94 are similarly rejected under the judicially created doctrine of the "obviousness" type double patenting rejection as unpatentable over claims 1-4 of U.S. Patent No.

7,637,136 and evidenced by Rosales et al.. Applicants respectfully traverse these rejections.

Applicants respectfully submit that the respective disclosures of both cited patents are silent, at least with respect to the claimed feature directed to a resultant increase in an amount of addition elements placed in solid solution following solution heat treatment by application of torsional force. Thus, a *prima facie* case of obviousness cannot be properly established since the references both fail to disclose all claimed features. Reconsideration of the rejections of claims 91-94 and their allowance are respectfully requested.

Applicants respectfully request a two (2) month extension of time for responding to the Office Action. Please charge the fee of $490 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By _____ by :
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

and,

By _____
Lawrence I. Wechsler
Reg. No. 36,049
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340